

Earl D. Tanner, Jr. - #3188  
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 68 South Main Street, Suite 800  
 Salt Lake City, Utah 84101-1504  
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Attorney for Alan Newman

BEFORE THE BOARD OF OIL, GAS AND MINING  
 DEPARTMENT OF NATURAL RESOURCES  
 IN AND FOR THE STATE OF UTAH  
 1594 W North Temple, Suite 1210, PO Box 145801, Salt Lake City, Utah 84114-5801  
 (801) 538-5340, (801) 538-3940 (Fax)

IN THE MATTER OF THE PETITION BY  
 THE DIVISION OF OIL, GAS AND  
 MINING FOR AN ORDER:  
 (1) CONFIRMING THE WITHDRAWAL  
 OF THE NOTICE OF INTENTION TO  
 COMMENCE SMALL MINING  
 OPERATIONS S/027/0111;  
 (2) TO FORFEIT THE CERTIFICATE OF  
 DEPOSIT NO 3887 FROM NEVADA  
 STATE BANK, TO DIRECT THE  
 DIVISION TO COMPLETE  
 RECLAMATION; (3) TO INITIATE A  
 CIVIL SUIT AGAINST NEVADA STATE  
 BANK AND ALAN NEWMAN TO  
 RECOVER COSTS OF RECLAMATION;  
 AND (4) TO TAKE ALL OTHER ACTIONS  
 NECESSARY TO RECLAIM THE LANDS  
 AT N1/2 of NE1/4 of SW1/4, S31, T19S,  
 R18W SLB&M Millard County, Utah

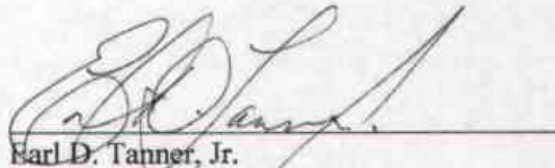
**MOTION TO CONSIDER  
 SUPPLEMENTAL RESPONSE OF  
 ALAN NEWMAN**

DOCKET NO.: 2012-022  
 CASE NO.: S/027/0111

Alan Newman, by his attorney, moves the Board to consider his supplemental response to the Notice of Agency Action. This supplemental response is filed after the Response Date because two factual items have been recently discovered by the respondent: 1) the Division

has already received the bond amount of \$12,000 and 2) the Materials Act contract between respondent and the BLM had no attached stipulations and, hence, no reclamation requirements.

Dated this 20<sup>th</sup> day of July, 2012.

A handwritten signature in dark ink, appearing to read "Earl D. Tanner, Jr.", is written over a horizontal line.

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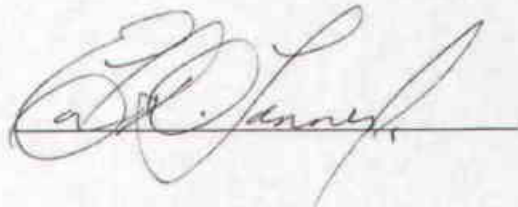
CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the forgoing **MOTION TO CONSIDER SUPPLEMENTAL RESPONSE OF ALAN NEWMAN**, to be personally served or mailed first class mail, postage prepaid, the 20<sup>th</sup> day of July, 2012, to:

Cameron Johnson  
Steve Alder  
Assistant Attorneys General  
Counsel for Division of Oil, Gas, and Mining  
1594 West North Temple, Suite 300  
Salt Lake City, UT 84114-5801

Mike Johnson, Esq.  
Assistant Attorney General  
Department of Natural Resources  
Utah Board of Oil, Gas & Mining  
1594 West North Temple, Suite 300  
Salt Lake City, UT 84114

Nevada State Bank  
400 N Green Valley PKWY  
Henderson, NV 89074

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